IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF MAY

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11002 of 2005

Between:

M/s South Central Railway Catering Helpers and Contract Labours
Labour Contract Cooperative Society Ltd, Kamsalipet, Vijayawada, Krishna District, rep. by its Secretary & Chief Promoter.

..... PETITIONER

AND

1 The Indian Railway Catering & Tourism Corporation Limited, 9th Floor, Bank of Baroda Buildings,16, Parliament Street, New Delhi, Rep. by its Managing Director.
2 The Group General Manager, Indian Railway Catering & Tourism Corp. Ltd, office of General Manager, South Central Railway, Rail Nilayam, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declare the action of the respondent in imposing the conditions 1 to 12 in their tender schedule for 6687-88 Nav Yug Express Train as arbitrary illegal, improper and in- correct and unconstitutional in so far as the petitioner's society concerned and consequently direct the respondents to permit the petitioner to participate in the tender schedule without insisting for the said conditions.

Counsel for the Petitioner: MR.V.V.N.NARASIMHAM

Counsel for the Respondents.: MR.T.S.VENKATARAMANA

The Court made the following :

O R D E R

South Central Railway Catering Helpers and Contract Labours, Labour Contract Cooperative Society Limited has filed this Writ Petition challenging the 12 conditions enumerated as the technical criteria in respect of tenders called for operation and management of catering and on-board services on the 6687-88 Navyug Express Train.

Heard Sri V.V.N. Narasimham, the learned counsel for the petitioner and Sri T.S. Venkataramana, the learned counsel for the respondents.

The petitioner claims to be a society formed in the year 2005 with the objective to cater to the needs of its members who are the helpers with the vendors of the Catering Service in the South Central Railway. It appears that the South Central Railway have authorized vendors including in the Vijayawada Railway Station. The members of the petitioner-society were authorized helpers associated with such vendors. During the year 2000, the Railway Board constituted the 1st respondent-corporation as a subsidiary of the Railways to take care of and administer catering services in the Railways. The Vijayawada Railway Station Catering Service was handed over to the 1st respondent in the year 2005. Thereafter, licenses of all the existing vendors were cancelled by the 1st respondent, as a consequence of which the members of the petitioner-society lost their livelihood. Thereupon, the impugned tender notification was issued by the 1st respondent. The petitioner-society and its members desire to participate in the tenders and obtain a contract.

The grievance of the petitioners is in particular with regard to the conditions 5, 11 and 12 of the technical criteria documents that are required to be submitted. These read as under:-

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Sl.No.	**Technical Criteria**
5.	Proof of Minimum annual turnover of Rs. 3.00 crore, duly audited by a Chartered Accountant/Published Annual Report.
11.	Copy of Income Tax Return, of last completed financial year.
12.	Permanent Account Number (PAN)

The petitioner states that neither the petitioner-society nor its members are capable of meeting these requirements and that incorporating conditions that are in-capable being met by the petitioner or its members constitutes an arbitrary condition.

It is not either pleaded, urged or demonstrated before this Court as to how the afore-extracted technical criteria or the other 9 technical criteria enumerated as requiring supporting documents in the Tender schedule are *per se* arbitrary, irrational or unrelated to the contract in question. The fact that the petitioner-society or its members cannot meet these specifications does not in any way justify the conclusion that the conditions are *per se* arbitrary or irrational.

The learned counsel for the petitioner submits that the petitioner-society submitted a representation to the 1st respondent and that the 1st respondent should be directed to consider the said representation.

Submitting a representation is not a statutory or legal right and therefore, no direction need be issued by this Court. It is, however, open to the petitioner to approach the 1st respondent and take an appropriate decision thereon.

The writ petition is without merits and is accordingly dismissed. No costs.

_____ G. RAGHURAM, J

4th May, 2005

rln/vp

To

1. The Managing Director, The Indian Railway catering & Tourism Corporation Ltd, 9th floor, Bank of Baroda Buildings, 16, Parliament Street, New Delhi.
2. The Group General Manager, Indian Railway Catering & Tourism Corporation LTD, office of the General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. 2 cd copies.